

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

PHEBE CONCEPTION WILLIAMS,

Plaintiff,

v.

OFFICER GONZALES, SERGEANT
JACKSON, ANDREW HOLZEM, and
LISA SAFFOLD,

Defendants.

Case No. 20-CV-1084-JPS

ORDER

On October 10, 2021, the Court screened Plaintiff's complaint and permitted her to proceed *in forma pauperis* on her Fourth Amendment excessive force claim against Officer Gonzales and her unreasonable detention claim against all Defendants. (Docket #4). The Court afforded Plaintiff additional time to file an amended complaint, if she wished. She has not done so; therefore, the Court will proceed with ordering service of the complaint to Defendants.

Federal Rule of Civil Procedure 4(c)(3) provides that the Court must order service by the U.S. Marshal if a plaintiff is authorized, as she is in this case, to proceed *in forma pauperis* under 28 U.S.C. § 1915. *See Williams v. Werlinger*, 795 F.3d 759, 760 (7th Cir. 2015). However, Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). Although Congress requires the Court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent,

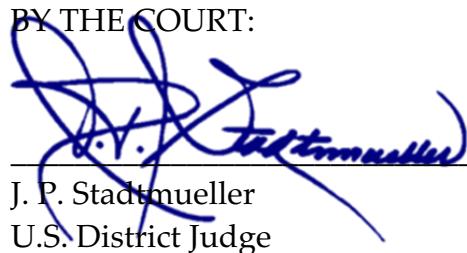
it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshals Service. Thus, the Court will allow Plaintiff to elect, within fourteen (14) days of the date of this Order, whether she desires service by the U.S. Marshal or whether she will obtain service on Defendant of her own accord. If Plaintiff wants to effect service herself, she should simultaneously file a request for the Clerk of the Court to issue a service packet to her.

Accordingly,

IT IS ORDERED that Plaintiff shall file, within **fourteen (14) days of the date of this Order**, a notice indicating which method of service she desires.

Dated at Milwaukee, Wisconsin, this 4th day of January, 2022.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge